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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,666	03/16/2004	Yusuke Hashizume	016907-1617	3015
22428 7590 04/11/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER DAHBOUR, HENRY	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 04/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/800,666	Applicant(s) HASHIZUME, YUSUKE	
	Examiner Henry Dahbour	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/3/04, 3/16/04</u>   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 & 9 are rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 recites the limitation "the extracted area" in lines 9-10. Claim 9 recites the limitation "the extracted area" in line 9. There is insufficient antecedent basis for these limitations in these claims.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action.

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Horaguchi et al (U.S.20040201872).

Regarding claim 1, Horaguchi discloses an image reading apparatus comprising a sensor section which includes a color line sensor which reads a color image and a monochrome line sensor which reads a monochrome image provided in parallel with and a specific distance away from the color line sensor (see 31 in Figure 2, also see "four-line linear image sensor including...R (red), G (green), and B (blue)...and...monochrome" in parag.49), an input section which inputs a document image to the color line sensor and the monochrome line sensor (see Figure 2), a control section (see 71 in Figure 5) which

when reading an image from a document by use of the input section starts the reading of an image by the color line sensor and the reading of an image by the monochrome line sensor with the same timing (see "if the timing of starting a relative move from a position and the timing of starting actual original read processing in the image sensor are matched between the case where a color image is read and the case where a monochrome image is read, they match in the scanning range over the original and also match in the time required for reading the original" in paragraph 25).

Regarding claim 2, Horaguchi discloses an operation section (see 7 in Figure 5) which accepts an image reading mode instruction (see "mode...input unit operated by the user to enter a command" in parag.21), wherein the control section reads an image with the same timing regardless of the reading mode (see "if the timing of starting a relative move from a position and the timing of starting actual original read processing in the image sensor are matched between the case where a color image is read and the case where a monochrome image is read, they match in the scanning range over the original and also match in the time required for reading the original" in paragraph 25).

Regarding claim 6, see rejection of claims 1 & 2.

Regarding claim 7, see rejection of claim 2.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horaguchi et al (U.S.20040201872) in view of Noguchi et al (U.S.7268914).

Regarding claim 3, Horaguchi does not disclose a storage section which stores according to the reading mode, color image data read by the color line sensor and monochrome image data read by the monochrome line sensor, and an extraction control section which extracts, according to the reading mode, image data in a predetermined area from either the color image data or the monochrome image data stored in the storage section.

Noguchi discloses these features (see "full color dedicated memories...and a monochrome dedicated memory...These memories are arranged as areas to store image data read...From the memories, image data of respective colors are read out...and a resultant color image is printed...On the other hand, in case...monochrome mode ...the monochrome image data is read out from the memory and printed" in lines 21-24, 29-31, 35-39 in column 1).

Horaguchi and Noguchi are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Noguchi with the device of Horaguchi.

The suggestion/motivation for doing so is because Noguchi teaches that these features are conventional in the art (see "conventional" in line 20 in column 1).

Therefore, it would have been obvious to combine Horaguchi with Noguchi to obtain the invention specified in claim(s) 3.

Regarding claim 4, Horaguchi does not disclose a storage section which stores image data, and a storage control section which selects, according to the reading mode either a color image read by the color line sensor or a monochrome image read by the monochrome line sensor, extracts an image in a predetermined area from either the selected color image or monochrome image.

Noguchi discloses these features (see "full color dedicated memories...and a monochrome dedicated memory...These memories are arranged as areas to store image data read...From the memories, image data of respective colors are read out...and a resultant color image is printed...On the other hand, in case...monochrome mode ...the monochrome image data is read out from the memory and printed" in lines 21-24, 29-31, 35-39 in column 1).

Horaguchi and Noguchi are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Noguchi with the device of Horaguchi.

The suggestion/motivation for doing so is because Noguchi teaches that these features are conventional in the art (see "conventional" in line 20 in column 1).

Therefore, it would have been obvious to combine Horaguchi with Noguchi to obtain the invention specified in claim(s) 4.

Regarding claim 8, see rejection of claim 3.

Regarding claim 9, see rejection of claim 4.

***Allowable Subject Matter***

7. Claims 5, 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the prior art, either singularly or in combination, does not teach or suggest an apparatus, as claimed in claim 1, comprising:

"...a counter which counts a number corresponding to the specific distance by which the color line sensor and the monochrome line sensor are separated, a first storage section which stores an image read by the monochrome line sensor, a second storage section which stores an image read by the color line sensor, and a start control section which starts to store an image read by either the color line sensor or the monochrome line sensor provided in a position corresponding to the trailing edge in the image reading direction of the sensor section, after the counter has counted the number corresponding to the specific distance..."

Regarding claim 10, the prior art, either singularly or in combination, does not teach or suggest a method, as claimed in claim 6, comprising:

"...counting a number corresponding to the specific distance by which the color line sensor and the monochrome line sensor are separated, and storing image data read by either the color line sensor or the monochrome line sensor provided on the trailing edge side in the image reading direction, after the number corresponding to the specific distance is counted..."

Regarding claim 11, this claim depends from claim 10.

The features identified, in combination with other claim limitations, are neither suggested nor discussed by the prior art of record.

**Conclusion**

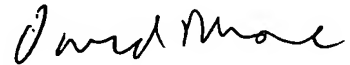
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Noguchi et al ('104), Tanimoto et al ('514), Tanimoto et al ('196), Kamisuwa et al, Kondo et al ('616), Kondo et al ('075), Shimizu and JP2002271631 are cited to show imaging devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Dahbour whose telephone number is 571-272-4295. The examiner can normally be reached on 9:00AM-5:30PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system call 800-786-9199 (US OR CANADA) or 571-272-1000.

HD

  
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